

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

DRIFTLESS AREA LAND CONSERVANCY
and WISCONSIN WILDLIFE FEDERATION,

No. 19-cv-1007

Plaintiffs,

v.

MICHAEL HUEBSCH, REBECCA VALCQ,
ELLEN NOWAK, and PUBLIC SERVICE
COMMISSION OF WISCONSIN,

Defendants.

**AMERICAN TRANSMISSION COMPANY LLC AND ATC MANAGEMENT INC.’S
NOTICE OF MOTION AND MOTION TO INTERVENE PURSUANT TO
FED. R. CIV. P. 24(A) & (B)**

Pursuant to FED. R. CIV. P. 24(a) and 24(b), American Transmission Company LLC, by its corporate manager, ATC Management, Inc. (collectively “ATC”), through its undersigned counsel, respectfully moves to intervene in the above-captioned proceeding in support of Defendants’ final actions that are the subject of the Court’s examination in this proceeding (“Motion”). The basis for ATC’s Motion is set forth more fully in the brief in support of the Motion, which is being filed concurrently herewith.¹ In conjunction with the filing of this Motion, ATC is also filing an Answer and jointly filing a Motion to Dismiss the Plaintiffs’ complaint.²

¹ ATC conferred with the Plaintiffs and Defendants regarding this Motion. Defendants do not oppose this Motion. Plaintiffs oppose the Motion. (*See* Declaration of Brian Potts in Support of ATC’s Motion to Intervene)

² A motion to intervene must be accompanied by a pleading that sets forth the claims or defenses for which intervention is sought. FED. R. CIV. P. 24(c). The pleading accompanying the motion to intervene must be one of the pleadings listed in FED. R. CIV. P. 7(a). *Sanders v. John Nuveen & Co., Inc.*, 463 F.2d 1075, 1082 (7th Cir. 1972). Because of this requirement, ATC has submitted an Answer with this Motion out of an abundance of caution, even though ATC is also jointly moving to dismiss the Complaint under FED. R. CIV. P. 12(b)(1) and 12(b)(6).

DATED: January 24, 2020

Respectfully submitted,

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/s/ Brian H. Potts

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*Attorneys for Intervenor-Defendants
American Transmission Company LLC and
ATC Management Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2020, I electronically served the forgoing document on all counsel of record registered for electronic filing in the above-captioned proceeding by filing the same with the Clerk of Court using the Court's ECF system.

/s/ Brian H. Potts

Brian H. Potts, SBN 1060680

*Attorney for Intervenor-Defendants
American Transmission Company LLC and
ATC Management Inc.*